

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. 2:19-CR-04088-01-BCW
)
)
ANTHONY MARTINEZ HARRIS,)
)
)
Defendant.)

ORDER

Before the Court is Magistrate Judge Epps' Report and Recommendation (Doc. #131) denying Defendant Anthony Martinez Harris's Motion to Suppress Statements (Doc. #118). Defendant filed objections (Doc. #138) to the Report and Recommendation. After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Epps' findings of fact and conclusions of law.

Defendant argues his criminal history was not made part of the record, and thus challenges Judge Epps' finding that his criminal record was extensive such that Defendant was familiar with his constitutional rights. United States v. Vinton, 631 F.3d 476, 482 (8th Cir. 2011). The Court finds Judge Epps determined Defendant's Miranda waiver was knowing, voluntary, and intelligent, and that his alleged intoxication did not cause his will to be overborne, on independent grounds from Defendant's criminal history. Moreover, the Court is permitted to take judicial notice of Defendant's criminal history. Fed. R. Evid. 201(b). Thus, the Court finds no error.

The Court denies Defendant's request for remand to admit evidence pertaining to Defendant's intoxication, as Magistrate Judge Epps determined Defendant's waiver was valid notwithstanding any evidence of intoxication. Accordingly, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #131),
Defendant's Motion to Suppress Statements (Doc. #118) is DENIED. It is further
ORDERED that Magistrate Judge Epps' Report and Recommendation be attached to and
made part of this Order.

IT IS SO ORDERED.

DATED: April 6, 2021

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES

UNITED STATES DISTRICT COURT